

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: CHARLES R. BRAINARD  
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NEW YORK, NEW YORK 10004

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 1662/55676	Date of Mailing (day/month/year) <b>09 SEP 2002</b>
International application No. PCT/US02/00853	International filing date (day/month/year) 11 JANUARY 2002
Applicant TEVA PHARMACEUTICALS USA, INC.	
<b>FOR FURTHER ACTION    See paragraphs 1 and 4 below</b>	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicants's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer LAURA L. STOCKTON
Facsimile No. (703) 305-3230	Telephone No. (703) 368-1235

Form PCT/ISA/220 (April 2002)\*

(See notes on accompanying sheet)

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1662/55676	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US02/00853	International filing date ( <i>day/month/year</i> ) 11 JANUARY 2002	(Earliest) Priority Date ( <i>day/month/year</i> ) 11 JANUARY 2001
Applicant TEVA PHARMACEUTICALS USA, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:
  - ☐ contained in the international application in written form.
  - ☐ filed together with the international application in computer readable form.
  - ☐ furnished subsequently to this Authority in written form.
  - ☐ furnished subsequently to this Authority in computer readable form.
  - ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the
  - ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ **Certain claims were found unsearchable** (See Box I).
3. ☒ **Unity of invention is lacking** (See Box II).
4. With regard to the **title**,
  - ☒ the text is approved as submitted by the applicant.
  - ☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
  - ☒ the text is approved as submitted by the applicant.
  - ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority
6. The figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_
  - ☐ as suggested by the applicant.
  - ☐ because the applicant failed to suggest a figure.
  - ☐ because this figure better characterizes the invention.

☐ None of the figures.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US02/00853

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

Please See Extra Sheet.

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US02/00853**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : C07D 209/86, 403/06

US CL : 548/311.4, 449

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 548/311.4, 449

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
STN CAS ONLINE**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4,695,578 A (COATES ET AL.) 22 September 1987 (22/09/87), see entire document, especially column 2 and Example 10 in column 20.	1-3, 26-37, 42-47
X	US 4,835,173 A (TYERS) 30 May 1989 (30/05/89), see entire document, especially column 1 and Examples 1 and 2 in column 3.	1-3, 20-22, 24, 26-37, 42-47
X	Chem. abstr., Vol. 120, No. 13, 28 March 1994 (Columbus, OH, USA), page 1178, column 1, the abstract No. 164116q, CHEN. 'Synthesis of antiemetic ondansetron.' Zhongguo Yiyao Gongye Zazhi. 1993, 24(6), 241-242 (Ch).	4-25

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier document published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

12 AUGUST 2002

Date of mailing of the international search report

09 SEP 2002

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
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Authorized officer

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# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/00853

## BOX II. OBSERVATIONS WHERE UNITY OF INVENTION WAS LACKING

This ISA found multiple inventions as follows:

Group I, claim(s) 1-3 and 26-47, drawn to products and a process.

Group II, claim(s) 4-19, drawn to a process.

Group III, claim(s) 20-25, drawn to a process.

When an application contains claims to more than one of the combinations of categories of an invention, unity of invention is lacking.